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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

09/899,029

07/06/2001

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07/09/2007

EXAMINER

WILLIAMS, THOMAS J

ART UNIT

PAPER NUMBER

3683

MAIL DATE

DELIVERY MODE

07/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | | |
|------------------------------|------------------------|--|---------------------|--|
| Office Action Summary | Application No. | | Applicant(s) | |
| | 09/899,029 | | COTE, GARY P. | |
| | Examiner | | Art Unit | |
| | Thomas J. Williams | | 3683 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17, 18, 37 and 38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17 and 18 is/are allowed.
- 6) ☒ Claim(s) 37 and 38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152..

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Acknowledgment is made in the receipt of the amendment filed June 20, 2007. The amendment has been approved for entry. The final rejection mailed March 22, 2007 is hereby withdrawn in light of the following new art.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 37 is rejected under 35 U.S.C. 102(b) as being anticipated by US 4,966,047 to Kraur et al.

Kraur et al. disclose in figures 10-12 a braking apparatus comprising: a braking mechanism including a brake 44, a twist type handle 40' and a brake cable 56 connecting the twist type handle and the brake, the handle is twistable to a plurality of positions for controlling the brake and hence the speeds of movement of the vehicle coupled to the braking mechanism, the handle further comprises a pitch screw (broadly interpreted as rotating element 144 which is provided with a face 148 that has a predetermined pitch) on an end of the cable moveable freely in different directions (such as a rotating direction).

4. Claims 37 and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,370,017 to Kraur.

Re-claim 37, Kraur discloses a braking apparatus comprising: a braking mechanism including a brake (see column 1 line 8), a twist type handle 14 and a brake cable 16 connecting

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the twist type handle and the brake, the handle is twistable to a plurality of positions for controlling the brake and hence the speeds of movement of the vehicle coupled to the braking mechanism, the handle further comprises a pitch screw (broadly interpreted as rotating element 86 which is provided with a face 88 that has a predetermined pitch) on an end of the cable moveable freely in different directions (such as a rotating direction).

Re-claim 38, the screw is spring loaded in a brake release direction, see spring 76.

5. Claim 37 is rejected under 35 U.S.C. 102(b) as being anticipated by US 5,572,907 to Kaakinen.

Kaakinen discloses a braking apparatus comprising: a braking mechanism including a brake (see column 1 line 7), a twist type handle 1b and a brake cable 7 connecting the twist type handle and the brake, the handle is twistable to a plurality of positions for controlling the brake and hence the speeds of movement of the vehicle coupled to the braking mechanism, the handle further comprises a pitch screw 3 on an end of the cable moveable freely in different directions (such as a rotating direction).

Allowable Subject Matter

6. Claims 17 and 18 are allowed.

7. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to anticipate or render obvious a wheelbarrow braking apparatus, comprising a twist-type brake control handle mounted on one end of the first handlebar, and further comprising a large pitch screw on an end of the control cable, wherein the screw is freely movable in opposite directions.

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Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nisbet and Spexarth each teach a twist type control handle having a pitch screw. Bermel teaches a wheelbarrow brake having a twist type control handle. De Lucchi teaches a wheelbarrow clutch control using a twist grip handle.

9. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is 571-272-7128. The examiner can normally be reached on Wednesday-Friday from 6:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi, can be reached at 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-6584.

TJW

July 5, 2007

THOMAS J. WILLIAMS
PRIMARY EXAMINER

Thomas Williams
AU 3683
7-5-07